

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHY TOWNSEND GRIFFIN, *et.al.*,

Plaintiffs,

vs.

**ECF CASE
17-CV-5221 (LLS)**

EDWARD CHRISTOPHER SHEERAN, *et.al.*,

Defendants.

PLAINTIFFS' PROPOSED *VOIR DIRE* QUESTIONS

COME NOW, THE PLAINTIFFS, collectively, who, respectfully, request that the Court ask the following *voir dire* questions of all proposed jurors, with the understanding that the Court may have a standard set of questions asked of all prospective jurors. To the extent necessary based on additional information and/or evidence, the Plaintiffs reserve the right to modify and/or supplement the instant *voir dire* as circumstances may require.

1. You have heard the general statement of the case. Does any member of the jury panel believe there is anything that might prevent you from being fair and impartial in this case?
2. Does any member of the jury panel believe he or she will not be able to follow the Court's instructions in this case, even if you disagree with them?
3. Does any member of the jury panel believe that he or she will not be able to apply the law in this case, as described to you by the Court, if it turns out that you disagree with the law?
4. Does any member of the jury panel believe that he or she may decide to disregard the law as described by the Court, and instead make decisions based on your own views and experience?
5. This trial has been bifurcated with the liability section being tried first and then the

damages component. If you find for the Defendants as to liability the trial will be over and it will not be necessary to proceed to the damages component. Knowing that a verdict of no liability with respect to liability would result in a shorter trial, does any member of the jury panel believe that that would influence their decision-making attendant to this process?

6. Is any member of the jury panel not employed full time?
7. Is any member of the jury panel not employed at least part time?
8. Does any member of the jury panel have a high school diploma or equivalent?
9. Does any member of the jury panel have a college degree?
10. Does any member of the jury panel have a master's degree?
11. Does any member of the jury panel have a doctoral degree?
12. Has any member of the jury panel ever owned a business?
13. Is any member of the jury panel recently divorced or separated?
14. Has any member of the jury panel ever had a substance abuse problem?
15. Is any member of the jury panel close to anyone who has had a substance abuse problem?
16. Does any member of the jury panel have a hearing impairment?
 - a. Does any member of the jury panel wear a hearing aid or similar device?
17. Does any member of the jury panel have a visual impairment?
 - a. Does any member of the jury panel have a visual impairment that is not rectified by corrective lenses?
18. Is any member of the jury an artist, author, writer, painter, journalist, sculptor, producer, or other creative profession?
19. Has any member of the jury panel ever been involved in a lawsuit involving music or the music industry?

20. Has any member of the jury panel or a close friend or relative of the same ever been involved in a lawsuit of any kind? In what capacity? What was the result of the litigation? Did the result of the litigation impact your view of the civil litigation and/or trial process?

21. Is any member of the jury panel a musician?

22. Does any member of the jury panel play an instrument or sing?

23. Does any member of the jury panel know how to read sheet music?

24. Does any member of the jury panel have perfect pitch?

25. Does any member of the jury panel have a degree in music?

26. Does any member of the jury panel have any musical training?

a. Does any member of the jury panel have advanced musical training?

27. Does any member of the jury panel consider himself or herself an expert in musical analysis?

28. Has any member of the jury panel ever worked in the music industry?

29. Does any member of the jury panel have any friends or family who work in the music industry?

30. Has any member of the jury panel ever worked in the entertainment industry?

31. Does any member of the jury panel have any friends or family who work in the entertainment industry?

32. Has any member of the jury panel ever worked in marketing?

33. Has any member of the jury panel ever worked in advertising?

34. Has any member of the jury panel ever worked in publicity or public relations?

35. Has any member of the jury ever worked in journalism?

36. Has any member of the jury ever worked in accounting or bookkeeping?

37. Has any member of the jury panel ever registered for a copyright, patent, or

trademark?

38. Does any member of the jury have someone close to them who has been involved in a dispute over a copyright, patent, or trademark?

39. Has any member of the jury panel ever inherited property, or had it transferred to them by a Court?

- a. Has any member of the jury panel ever inherited intellectual property?
- b. Does any member of the jury panel think there is a difference between tangible property and intellectual property?
- c. Does any member of the jury panel think that if you inherit or are transferred property you have a lesser right to protect it than the original owner?
- d. Does any member of the jury panel think heirs have an obligation to protect the property of those who came before them?

40. Has any member of the jury panel ever heard the term “sound recording”?

41. Has any member of the jury panel ever heard the term “musical composition”?

42. Has any member of the jury panel ever heard the term “license” as it relates to music?

43. Has any member of the jury panel ever heard of the term “royalties” with regard to the music industry?

44. Does any member of the jury panel believe copyrighted materials is not entitled to protection under the law?

45. Some people think that intellectual property is different than regular property, and that stealing intellectual property is not as bad as stealing regular property. Does any member of the jury panel agree with that?

46. Has any member of the jury panel ever downloaded a song without paying for it?

47. Has any member of the jury panel every heard of Ed Townsend?

48. Has any member of the jury panel ever heard of Marvin Gaye?

49. Has any member of the jury panel ever seen or heard Marvin Gaye perform?

50. Has any member of the jury panel ever heard the song, “Let’s Get It On”?

51. Does anyone know any of Ed Townsend’s or Marvin Gaye’s family members?

52. The Plaintiffs in this case are, Kathy Townsend Griffin, the Estate of Helen McDonald, the Estate of Cherrigale Townsend—does any one have any preconceived notions of any of the Plaintiffs?

53. Does any member of the jury panel know the lawyers for the Plaintiffs, Patrick R. Frank, Keisha D. Rice, their firm is Frank & Rice, P.A., Katherine Viker, and/or Benjamin Crump?

54. Does any member of the jury member know the lawyers for the Defendant, Donald S. Zakarin, Andrew M. Goldsmith, Ilene S. Farkas, and Brian M. Maida, of Pryor Cashman, LLP?

55. You may hear testimony from a number of expert witnesses. Is anyone acquainted with or do you know anything about any of the following potential witnesses:

- a. Dr. Alexander Stewart;
- b. Dr. Lawrence Ferrera;
- c. Dr. Barry Massarsky

56. You may hear testimony during trial from a number of other witnesses. Is anyone acquainted with or know anything about any of the following potential witnesses of involved individuals:

- a. Kathy Townsend Griffin
- b. Ed Sheeran

- c. Amy Wadge
- d. Jake Gosling
- e. Corporate Representative--Atlantic Recording Corporation, d/b/a Atlantic Records
- f. Warner Music UK—Corporate Representative
- g. Sony/ATV Music Publishing, LLC—Corporate Representative
- h. Sony Music Publishing—Corporate Representative
- i. Sony UK—Corporate Representative
- j. EMI Music—Corporate Representative
- k. Stone Diamond—Corporate Representative
- l. Jobete—Corporate Representative
- m. Stuart Camp
- n. John Beddia
- o. Amy Cranford
- p. Stephanie Hardwick

57. To your knowledge, does any member of the jury panel own stock in any of the corporate entities identified?

58. Does any member of the jury panel listen to rock and roll music, r&b, or other contemporary popular music?

- a. Does any member of the jury panel believe they could not make a decision in this case independent of their own personal taste in music?

59. Does any member of the jury panel think that he or she is particularly knowledgeable with respect to popular music in the 1970's?

60. Does any member of the jury panel think that he or she is particularly current or

knowledgeable with respect to popular music that has come out in the past decade?

61. Does any member of the jury panel have any celebrity role models?

62. Does any member of the jury panel think celebrities act differently publicly than they do privately?

63. Does anyone know who Ed Sheeran, the Defendant in this case, is?

- a. Does any member of the jury panel know him personally?
- b. Does any member of the jury panel consider him to be a role model?
- c. Is any member of the jury panel a fan of him?
- d. Does any member of the jury panel think he is likeable?
- e. Does any member of the jury panel think he is unlikeable?
- f. Does any member of the jury panel have a negative impression of him?
- g. Does any member of the jury panel have a positive impression of him?

64. Does any member of the jury panel think that Ed Sheeran acts the same way in the studio or his private life as he does in public interviews or performances?

65. Does any member of the jury panel own any albums or songs by Ed Sheeran?

66. Does any member of the jury panel own any albums or songs on which Ed Sheeran has claimed co-writing credit but with other third parties?

67. Does any member of the jury panel own any albums or songs on which Jake Gosling is alleged to have collaborated in writing?

68. Does any member of the jury panel own any albums or songs on which Amy Wadge is alleged to have collaborated in writing?

69. Does anyone on the jury panel have any opinion one way or another as to whether the manner in which contemporary songs written in this day and age compares to the popular songs of the Fifties, Sixties, and Seventies?

70. Has any member of the jury panel ever heard the song, "Thinking Out Loud"?

71. Does any member of the jury panel had a negative opinion of "Thinking Out Loud"?

72. Does any member of the jury panel have a positive opinion of "Thinking Out Loud"?

73. Is "Thinking Out Loud" personally significant to any member of the jury panel?

74. Has any member of the jury panel seen Ed Sheeran in concert?

75. Has any member of the jury panel ever been to a concert in which the musicians performed a medley of songs? Did the medley affect your opinion one way or another as to originality of the songs involved?

76. Does any member of the jury panel think that celebrities get special treatment?

77. Does any member of the jury panel get awe-struck by a celebrity?

78. Does any member of the jury panel think that they could not be impartial in a case that involves a celebrity?

79. Is any member of the jury panel more likely to believe someone because they are a celebrity?

80. Is any member of the jury panel less likely to believe someone because they are a celebrity?

81. Does any member of the jury panel believe that celebrities are inherently honest?

82. Does any member of the jury panel believe that celebrities are inherently dishonest?

83. Does any member of the jury panel read entertainment blogs, like "*The Hollywood Reporter*", TMZ, Gawker, and the like?

84. Has any member of the jury heard anything about this case?

85. Has any member of the jury heard about the case of Pharrell Williams and Robin Thicke against the Estate of Marvin Gaye regarding the Marvin Gaye song, “Got to Give It Up”, and the Pharrell Williams and Robin Thicke song, “Blurred Lines”?

86. Does any member of the jury panel have an opinion pertaining to copyright lawsuits based on the “Blurred Lines” or any other recent copyright dispute that has received media coverage? Does such opinion affect any member of the jury panel’s ability to be impartial herein?

87. Is there any member of the jury panel who believes that they would be impacted by the manner in which the Plaintiffs would utilize the proceeds of this litigation (i.e., for charity work, etc.) should they prevail?

88. Does any member of the jury panel follow celebrity lawsuits in the news?

89. Does any member of the jury panel think they are good at determining whether someone is telling the truth?

a. Does any member of the jury panel think they are not good at deciding if someone is telling the truth?

b. Does any member of the jury panel have a problem with concluding that someone is not credible because they previously did not tell the truth under oath?

90. Does any member of the jury panel believe that if someone had not told the truth on a certain occasion, it makes them less believable?

91. Does any member of the jury panel believe that if someone does not tell the truth in one incident that they can still believe in another incident?

92. Does any member of the jury panel think it is okay to lie?

93. Does any member of the jury panel think that everyone lies?

94. Does any member of the jury panel believe it is appropriate to take advantage of someone else's work and not give credit to them?

95. Does any member of the jury panel believe that someone should held to what they say?

96. Has any member of the jury panel ever felt they have been deceived or tricked or had something that they worked very hard for stolen from them?

97. Has any member of the jury panel ever been the victim of a scam or identify theft?

98. Has any member of the jury panel ever had anything stolen from them?

99. Has anyone ever not given any member of the jury panel credit for something they did? Has anyone ever taken credit for something that you did?

a. How did you feel about it?

b. What did you do about it, if anything?

c. Do you think that that person should be held responsible?

100. Has any member of the jury panel ever been accused of taking credit for an idea that was not his or her own?

101. If someone has something wrongfully taken from them, does any member of the jury panel have a problem with saying that the person or party responsible for that should pay for what was taken?

102. Has any member of the jury panel seen or heard anything that would make it hard for them to guarantee that they will judge the parties equally?

103. Does you have any strong feelings one way or another about damage awards in lawsuit? Do you believe that damages should be capped at a certain level in litigation?

104. Has anything occurred during the question and answer period that make you doubt that you would be completely fair and impartial in this case? If there is, it is your duty to

tell the Court at this time.

105. Do you believe that credit should be given when credit is due?

106. Have you ever had credit taken from you?

107. Have you ever taken credit for someone else?

108. Have you ever had a friend or loved one be deprived of credit and/or compensation for their work?

109. Have you ever not been given the recognition that you felt you deserved for something you had done?

DATED this 15th day of March, 2023.

FRANK & RICE, P.A.

Respectfully Submitted,

/s/ Patrick R. Frank, Esq.

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